

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05cr353**

**UNITED STATES OF AMERICA** )

**vs.** )

**AARON LARICO WYLIE** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon the defendant's Notice of Appeal of Detention Order. (Doc. No. 8).

The defendant was indicted on September 28, 2005, for a Hobbs Act robbery of a hotel (Count One) and for using a firearm in a crime of violence (Count Two). (Doc. No. 1: Indictment). The defendant was detained by Magistrate Judge Carl Horn III after a hearing on October 5, 2005. (Doc. No. 4: Order). At the hearing, the defendant presented no evidence, but proffered to the court that the defendant had the support of his family, had been working, had complied with conditions of bond on related state charges, and had not been convicted of any violent crimes. The government submitted evidence that the defendant was identified by the victim of the robbery, confessed to approximately ten out of thirty armed robberies of which he was suspected of committing, and was armed with a loaded firearm at the time of his arrest on the federal charge. The magistrate judge concluded that probable cause existed that the defendant had committed a qualifying offense and that the defendant had not rebutted the presumption of detention afforded in 18 U.S.C. § 3142(e)(2). The court further found the defendant had pending state charges involving 21 robberies and had confessed to certain of them. (Doc. No. 4: Order).

A district court is required to make an independent, de novo determination when acting on a motion to revoke or amend a magistrate judge's pretrial detention order. United States v. Stewart, 19 Fed. Appx. 46, 48 (4th Cir. 2001)(citing United States v. Rueben, 974 F.2d 580, 585-86 (5th Cir. 1992). However, a district court is not required to hold an additional evidentiary hearing as part of its review. United States v. King, 849 F.2d 485, 489-90 (11th Cir. 1988); United States v. Hare, 873 F.2d 796, 799 (5th Cir. 1989). After conducting its independent review, a district court may explicitly adopt the magistrate judge's order without making duplicate findings or may state additional reasons supporting pretrial detention. King, 849 F.2d at 490-91.

Here, the Court has carefully conducted a de novo review of the evidence presented before the magistrate judge and the entire record in this case. The Court finds the magistrate judge's factual findings and legal conclusions were correct, and, thus, adopts the magistrate judge's Order of Detention Pending Trial (Doc. No. 4) in its entirety. Additionally, the Court finds that the following facts, in conjunction with the un rebutted presumption of detention applicable in this case, support the defendant's detention: the defendant's history of failing to appear for court appearances, his admitted commission of approximately ten armed robberies, and his possession of a firearm while on conditions of release for related state charges. The Court finds the proof establishes the defendant's risk of flight by a preponderance of the evidence and his danger to the community by clear and convincing evidence.

**IT IS, THEREFORE, ORDERED** that the defendant's appeal of the detention order (Doc. No. 8) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the

defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

**Signed: October 19, 2005**

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

